

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1150 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

GOSAI NARANGAR BHIMGAR THRO' HEIRS & L.R.

Versus

NARENDRASINH MADHAVSINH JADEJA

Appearance:

MR KV SHELAT for Petitioners
MR AJ PATEL for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 10/02/2000

ORAL JUDGEMENT

Heard the learned counsel for the parties for
final disposal.

2. Having regard to the facts and circumstances of
the case, the history of the previous litigation and the

decisions cited by the learned counsel for the respective parties, particularly in John Mithalal Desai vs. Dineshbhai K. Vora, 1997 (2) GLH 506 cited by Mr Patel on behalf of the respondents and the decision in Bhavnagar Transport Company vs. Valkikbhai H. Patel, 1999 (2) GLH 161 cited by Mr KV Shelat for the petitioners and having heard the learned counsel for the parties, the Court passes the following order for which both the learned counsel request the Court not to assign any reason :-

(a) The ad-interim stay granted by this Court on 27.7.1999 is modified to the effect that further proceedings in Special Darkhast No. 26/99 shall remain stayed till the respondents file a separate suit for recovering possession of the premises in question from the petitioners. As and when such a suit is filed, the suit as well as Special Darkhast No. 26/99 shall be heard together and both such proceedings shall be heard and decided by the same Court within one year from the date of filing of the separate suit.

(b) This order is passed without prejudice to the rights and contentions of the parties and without expressing any opinion on the question of legality or otherwise of the order under challenge in this revision application, as the challenge will become academic once both the proceedings will be disposed of simultaneously.

(c) The revision application is disposed of in terms of the aforesaid directions.

Rule is made absolute to the aforesaid extent only. There shall be no order as to costs.

February 10, 2000 (M.S. Shah, J.)
sundar/-